



2-27-04

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

John E. Sims

RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP:

Serial No.: 09/965,640

Docket No.: 0315-C

Filed: September 27, 2001

Examiner: Chernyshev, O.

For: IL-1 DELTA DNA AND POLYPEPTIDES

**NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND  
INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**

MAR 08 2004

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences, claims 1 through 6 and 10 through 15 of the above-identified application. These claims are subject to a final rejection dated August 26, 2003. A petition to extend the time for response to the final rejection by three months is being submitted concurrently herewith, extending the period for response to February 26, 2004.

Pursuant to 37 C.F.R. 1.17(b), please charge the fee of \$330 that is required for the filing of this Notice of Appeal to our Deposit Account No. 09-0089. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this paper is enclosed for that purpose.

Respectfully submitted,

Patricia Anne Perkins  
Agent for Applicant  
Reg. No. 34,693  
Date: February 26, 2004

Immunex Corporation (PAP)  
Law Department  
1201 Amgen Court West  
Seattle, WA 98119  
Tel: (206) 265-7000



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**CERTIFICATE OF MAILING BY EXPRESS MAIL**

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I hereby certify that the following correspondence is enclosed and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

- Postcard
- Fee Authorization and Amendment Transmittal with Extension of Time (+1)
- Response to Office Action and Amendment B (After Final)
- Information Disclosure Statement
- Form PTO-1449
- Notice of Appeal (+1)

Immunex Corporation/PAP  
Law Department  
1201 Amgen Court West  
Seattle, WA 98119  
Tel: (206) 26507000

Signed: Elizabeth M. McCarthy  
Elizabeth M. McCarthy

Date: February 26, 2004

## PATENT APPLICATION



FEE AUTHORIZATION / AMENDMENT TRANSMITTAL LETTER				Attorney's Docket No: 0315-C		
Serial No. 09/965,640	Filing Date September 27, 2001	Examiner Chernyshev, Olga N.	Group Art Unit 1646			
In Re Application of John E. Sims						
For IL-1 DELTA DNA AND POLYPEPTIDES						
TO THE COMMISSIONER FOR PATENTS:						
<input checked="" type="checkbox"/> Applicant(s) request(s) the following extension of time under 37 CFR 1.136(a):						
<input type="checkbox"/> One month of original due date (\$110.00) <input type="checkbox"/> Two months of original due date (\$410.00) <input checked="" type="checkbox"/> Three months of original due date (\$930.00) <input type="checkbox"/> Four months of original due date (\$1,450.00) <input type="checkbox"/> Five months of original due date (\$1,970.00)						
<input checked="" type="checkbox"/> A response in connection with the matter for which this extension is requested:						
<input checked="" type="checkbox"/> is filed herewith. <input type="checkbox"/> has been filed. <input type="checkbox"/> The response is the filing of a continuing prosecution application, the prior application having an express abandonment conditioned on the granting of a filing date to the continuing application.						
<input checked="" type="checkbox"/> The accompanying papers include amended claims for which no additional fee is required. <input type="checkbox"/> The accompanying papers include amended claims the fee for which has been calculated as follows:						
<b>CLAIMS AS AMENDED</b>						
(1)	(2) Claims remaining After amendment	(3)	(4) Highest number Previously paid for	(5) No. of Extra claims present	(6)	(7) Additional Fee
Total Claims	*	Minus	** =	0	x \$18	= \$ 0.00
Indep. Claims	*	Minus	*** =	0	x \$84	= 0.00
<input type="checkbox"/> First Appearance of a multiple dependent claim					+ \$280	= 0.00
Total Additional Fee for this Amendment					\$0.00	
<small>* If the entry in column 2 is less than the entry in column 4, write "0" in column 5.            ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.            *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.            The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col 1. of a prior amendment or the number of claims originally filed.</small>						
<input checked="" type="checkbox"/> The following other fees are incurred by the accompanying papers.						
<input checked="" type="checkbox"/> Other: Notice of Appeal for \$330.00 <u>Information Disclosure for \$180.00</u>						
Please charge Deposit Account No. 09-0089 in the name of Immunex Corporation in the amount of <u>\$1,440.00</u> . A duplicate copy of this petition is attached.						
<input checked="" type="checkbox"/> If an additional extension of time is required, please consider this a request therefore.						
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required by the accompanying papers, or credit any overpayment to Deposit Account No. 09-0089.						
<u>Please Send Future Correspondence To:</u>						
Immunex Corporation (PAP) Law Department 1201 Amgen Court West Seattle, Washington 98119 (206) 265-7000			 Patricia Anne Perkins Agent for Applicant Registration No.:34,693 Phone: (206) 265-4782 Date: February 26, 2004			

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